

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:
PAMELA C. WILLIAMS,	:
	:
Plaintiff,	:
	:
- against -	:
	:
	:
COMMISSIONER OF SOCIAL SECURITY,	:
	:
Defendant.	:
	:
-----X	

20-CV-5954 (VSB)

**OPINION & ORDER**

Appearances:

Charles E. Binder  
Law Office of Charles E. Binder and Harry, LLP  
New York, NY  
*Counsel for Plaintiff*

Amanda Frances Parsels  
Office of the United States Attorney  
New York, NY  
*Counsel for Defendant*

VERNON S. BRODERICK, United States District Judge:

On July 29, 2020, Plaintiff Pamela C. Williams (“Plaintiff” or “Williams”) brought this action pursuant to Section 205(g) of the Social Security Act (the “Act”), as amended, 42 U.S.C. § 405(g), for review of a final decision of the Commissioner of Social Security (“Defendant” or “Commissioner”). (Doc. 1.) On August 3, 2020, I referred this case to Magistrate Judge Sarah L. Cave. (Doc. 4.) Before me is Judge Cave’s unopposed Report and Recommendation concerning the parties’ cross-motions for judgment on the pleadings. (Doc. 28.)

Plaintiff requested a hearing before an Administrative Law Judge (“ALJ”) regarding the denial of her application for Social Security Disability benefits. (Doc. 26, at 1.) The hearing

was scheduled for July 19, 2019. (*Id.*) Plaintiff failed to attend the scheduled hearing. (*Id.*) The ALJ found that Plaintiff did not have good cause for her failure to appear and thus issued a Notice of Dismissal on July 29, 2019. (*Id.*) On August 9, 2019, Plaintiff requested that the Appeals Council review the ALJ's Notice of Dismissal, and on June 15, 2020, the Appeals Council denied Plaintiff's request. (*Id.* at 1–2.) Plaintiff then appealed the Appeals Council's decision to this Court. (*See generally id.*)

On August 16, 2021, the Commissioner moved for judgment on the pleadings, (Doc. 20), arguing that “substantial evidence supported the ALJ's finding that Plaintiff had failed to demonstrate good cause for her failure to appear at her hearing,” (Doc. 21, at 1). On November 16, 2021, Plaintiff likewise moved for judgment on the pleadings, (Doc. 25), arguing that “remand is required to hold a hearing on the merits or at least permit Plaintiff to submit evidence to make a determination if there was good cause for her failure to appear at the scheduled hearing,” (Doc. 26, at 5). On January 31, 2022, Judge Cave issued a detailed Report and Recommendation recommending that the Commissioner's motion for judgment on the pleadings be granted, and that Plaintiff's motion for judgment on the pleadings be denied. (Doc. 28.)

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file written objections” and “**FAILURE TO OBJECT WITHIN**

**FOURTEEN (14) DAYS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW,”** (Doc. 28, at 16), neither party filed an objection.

Indeed, on February 10, 2022, Plaintiff’s counsel filed a letter dated February 2, 2022, indicating that “Plaintiff will not be filing objections to Judge Cave’s detailed and thoughtful Report and Recommendation in this matter.” (Doc. 29.) I have reviewed Magistrate Judge Cave’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. Therefore, I adopt the Report and Recommendation in its entirety.

The Clerk’s Office is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: February 11, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive, flowing style with a large initial "V".

Vernon S. Broderick  
United States District Judge